

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	No. 19 CR 277
v.)	
)	Judge Edmond E. Chang
CONCEPCION MALINEK)	

**MOTION TO VACATE THE PRELIMINARY AND FINAL ORDERS OF
FORFEITURE AS TO CERTAIN PROPERTY**

The United States of America, through JOHN R. LAUSCH, JR., United States Attorney for the Northern District of Illinois, moves to vacate the preliminary and final orders of forfeiture entered July 16, 2021 as to certain property, and in support thereof submits the following:

1. On October 2, 2019, a superseding indictment was returned charging CONCEPCION MALINEK, in Counts One through Ten with knowingly providing and obtaining the labor and services of a person, by means of: (a) serious harm and threats of serious harm to that person or another person; (b) abuse and threatened abuse of the law and legal process; and (c) a scheme, plan, and pattern intended to cause the person to believe that, if that person did not perform such labor and services, that person or another person would suffer serious harm, in violation of 18 U.S.C. §§ 1589(a)(2), (a)(3) and (a)(4). The superseding indictment sought forfeiture to the United States of certain property pursuant to the provisions of 18 U.S.C. §§ 1594(d)(1) and (d)(2). On July 15, 2020, a bill of particulars was filed seeking forfeiture of certain property pursuant to the provisions of 18 U.S.C. §§ 1594(d)(1) and (d)(2).

2. The bill of particulars sought forfeiture to the United States of specific property, namely:

- (a) the property located at 3110 South 53rd Court, Cicero, Illinois, 60804 (“the Cicero property”), and legally described as:

THE SOUTH 2/3 OF LOT 5 AND THE NORTH 2/3 OF LOT 6 IN BLOCK 4 IN OSBORNE'S ADDITION TO HAWTHORNE, BEING A SUBDIVISION OF LOTS 1 AND 2 IN BLADWIN'S SUBDIVISION OF THE NORTHWEST ¼ OF SECTION 33, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Real Estate Index Number: 16-33-104-051-0000,

pursuant to the provisions of 18 U.S.C. §§ 1594(d)(1) and (d)(2).

3. On July 31, 2020, pursuant to Fed. R. Crim. P. 11, defendant CONCEPCION MALINEK entered a voluntary plea of guilty to Count Ten of the superseding indictment, thereby making the property named in the superseding indictment and bill of particulars subject to forfeiture pursuant to 18 U.S.C. §§ 1594(d)(1) and (d)(2), which states in part:

(d) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States –

(1) such person's interest in any property, real or personal, that was involved in, used, or intended to be used to commit or to facilitate the commission of such violation, and any property traceable to such property; and

(2) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation, or any property traceable to such property.

4. Because of the defendant's conviction of the above violation, the foregoing property is subject to forfeiture pursuant to the provisions of 18 U.S.C. §§ 1594(d)(1) and (d)(2).

5. On April 22, 2021, this Court entered a preliminary order of forfeiture in which all right, title, and interest of defendant CONCEPCION MALINEK in the foregoing real property was forfeit to the United States of America for disposition according to law, pursuant to the provisions of 18 U.S.C. §§ 1594(d)(1) and (d)(2).

6. On July 16, 2021, this Court entered a final order of forfeiture in which all right, title, and interest of defendant CONCEPCION MALINEK and any third party in the foregoing real property was forfeit to the United States of America for disposition according to law, pursuant to the provisions of 18 U.S.C. §§ 1594(d)(1) and (d)(2).

7. According to information provided by the Clerk of the Court, the restitution judgment entered against the defendant has been satisfied. As a result, the United States seeks to vacate the final order of forfeiture as to this property and release its *lis pendens* notice.

WHEREFORE, the United States requests that this Court vacate the final order of forfeiture entered on July 16, 2021 as to the real property commonly known as 3110 South 53rd Court, Cicero, Illinois, in accordance with the draft order which is submitted herewith.

Respectfully submitted,

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